

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:23-cv-763
)	
CHAMELEON LLC and GARY V.)	
LAYNE,)	
Defendants.)	
)	

SECOND JOINT STATUS REPORT

Plaintiff United States of America and Defendants Chameleon LLC and Gary V. Layne
file this Second Joint Status Report as directed by this Court's Previous Order (ECF No. 80).

1. On March 19, 2025, the United States filed an Unopposed Motion to Continue Hearing and for Brief Abeyance (ECF No. 77). The United States made this request so that staff at the Department of Justice and the Environmental Protection Agency (EPA) could brief new leadership regarding the issues raised in this case. Defendants did not oppose that request.

2. On March 24, 2025, EPA and the U.S. Department of the Army (the “Agencies”) published a notice in the Federal Register establishing a public docket and soliciting stakeholder input to assist the Agencies in clarifying the definition of “waters of the United States” in light of *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023). 90 Fed. Reg. 13428 (Mar. 24, 2025). In the Notice, the Agencies announced that they would hold at least six listening sessions seeking input on the scope of “relatively permanent” waters, “continuous surface connection,” and jurisdictional ditches. *Id.* at 13430-31. The Agencies also accepted written recommendations from the public through the public docket. *Id.* at 13430.

3. On June 17, 2025, EPA issued a press statement announcing that the Agencies had completed the listening sessions with stakeholders. EPA also announced that it intends to issue a proposed rule revising the “definition of waters of the United States” in the coming months, and following public comment, intends to issue a final rule by the end of 2025.¹

4. Based on these developments, the United States seeks to continue to hold this case in abeyance as the Agencies evaluate the comments received from the public in the stakeholder listening sessions and take these comments into consideration as the case proceeds. The requested abeyance would thus further judicial economy, conserve the parties’ resources, and promote the efficient and orderly disposition of this case. The Court’s authority to order such an abeyance is well-settled. *See Landis v. North Am. Co.*, 299 U.S. 248, 253 (1936) (“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

5. Defendants do not, at this point, oppose the United States’ request to continue to hold this case in abeyance given the potential future clarification and recent developments outside the current record in this case.

Accordingly, the Parties request that the Court enter the attached, proposed Order continuing to hold this matter in abeyance for an additional 75 days and directing the Parties to file a third joint status report on or before September 3, 2025.

Respectfully submitted,

On behalf of Plaintiff

¹ “EPA and Army Wrap Up Initial Listening Sessions, Move Toward Proposal to Revise 2023 Definition of WOTS,” News Release, EPA, June 17, 2025, available at <https://www.epa.gov/newsreleases/epa-and-army-wrap-initial-listening-sessions-move-toward-proposal-revise-2023> (last accessed on June, 18, 2025)

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2025, I filed this Joint Status Report on the Court's CM/ECF system, which sent electronic notification to all counsel of record.

/s/ Laura J. Brown